

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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ADRIANO TORRES,

Plaintiff,

- against -

**MEMORANDUM & ORDER**

11-CV-4823 (SLT) (RLM)

COVENANT AVIATION SECURITY, LLC, et al.,

Defendants.

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**TOWNES, United States District Judge:**

Adriano Torres, a citizen of New York State ("Plaintiff"), commenced the instant personal injury action on April 4, 2011 against Covenant Aviation Security, LLC, an Illinois corporation ("Covenant"), and Elinton Concepcion,<sup>1</sup> a citizen of New York State (together with Covenant, "Defendants"), in the New York State Supreme Court, Kings County. Covenant removed the action from the State Supreme Court to this Court on October 3, 2011, citing diversity of citizenship under 28 U.S.C. § 1332. On December 7, 2011, Plaintiff moved to remand the action to the State Supreme Court for lack of subject-matter jurisdiction. On February 2, 2012, Magistrate Judge Roanne L. Mann issued a report and recommendation ("R&R"), recommending that Plaintiff's motion be granted. This Court adopts Judge Mann's R&R in its entirety.

A district court judge may designate a magistrate judge to hear and determine certain motions pending before the Court and to submit to the Court proposed findings of fact and a recommendation as to the disposition of the motion. *See* 28 U.S.C. § 636(b)(1). Within fourteen days of service of the recommendation, any party may file written objections to the magistrate's report. *See id.* Upon *de novo* review of those portions of the record to which objections were made, the district court judge may affirm or reject the recommendation. *See id.*

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<sup>1</sup> Elinton Concepcion has been sued as Elinton "Conception".

The Court is not required to review the factual or legal conclusions of the magistrate judge as to those portions of the R&R to which no objections have been made. *See Thomas v. Arn*, 474 U.S. 140, 150, 106 S. Ct. 466, 88 L. Ed. 2d 435 (1985). In addition, failure to file timely objections may waive the right to appeal this Court's order. *See* 28 U.S.C. § 636(b)(1); *Small v. Sec'y of Health & Human Servs.*, 892 F.2d 15, 16 (2d Cir. 1989).

In the instant case, objections to the R&R were due by February 21, 2012. No objections were filed with this Court. Upon review, this Court affirms and adopts the R&R of Judge Mann in its entirety. Accordingly, Plaintiff's motion to remand the instant action to the New York State Supreme Court for lack of subject-matter jurisdiction is granted. The Clerk of Court is directed to close the case.

**SO ORDERED.**

s/ SLT

  
SANDRA L. TOWNES  
United States District Judge

Dated: *April 4*, 2012  
Brooklyn, New York